

Application No. 10/614,131
Amendment dated June 21, 2006
Reply to Office Action of December 27, 2006

Docket No.0038-0415P
Art Unit: 2163
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AMENDMENTS TO THE DRAWINGS

One Sheet of Replacement Drawings (FIG. 6) is attached.

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-3 are cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claim 4 is pending. Claim 4 has been written in independent form. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Drawings

The Examiner has objected to FIG. 5 asserting that reference character S300 is not mentioned in the description and has objected to FIG. 6 asserting that the quality is not sufficient to be reproduced.

In response, the specification has been amended to describe S300, and FIG. 6 has been replaced.

Claim for Priority

It is gratefully appreciated that the Examiner has recognized the Applicants' claim for foreign priority.

Amendments to the Title

The Title has been amended to read "SYSTEM FOR ACCESSING AND PURCHASING DIGITAL AUDIO BOOKS OVER A NETWORK", as suggested by the Examiner.

Specification Objection

The Examiner has objected to the specification because of several informalities.

In order to overcome this objection, the Applicant has amended the specification in order to correct the deficiency pointed out by the Examiner. In addition, a Substitute Specification is being provided in order to place the application in better form. Also included is a marked-up copy of the original specification which shows the portions of the original specification which are being added and deleted. The Applicant respectfully submits that the substitute specification includes no new matter and that the substitute specification includes the same changes as are indicated in the marked-up copy of the original specification showing additions and deletions. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Objection

In response to the objection to claim 2 and 4, the Applicant has cancelled claim 2 and has amended claim 4, thereby addressing the issues pointed out by the Examiner.

Rejections Under 35 U.S.C. §102(e) and §103(a)

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hay et al. (U.S. 2002/0184189); and claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hay et al. in view of Wiser et al. (U.S. 6,385,596). These rejections are respectfully traversed.

First of all the Examiner is advised that claims 1-3 have been cancelled herein without prejudice to or disclaimer of the subject matter set forth therein.

In addition, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, claim 4 has been rewritten in independent form to include the subject matter of base claim 1.

The Applicant respectfully submits that the combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Hay et al. and Wiser et al.

For example, the Hay et al. document merely discloses a library included in a reader software stores data relating to books read by a user.

In addition, the Wiser et al. document merely discloses time stamping, tracking of titles, names of artists, etc, of downloaded media being stored as logs in a media licensing center.

By combining these references, it may be possible, for the sake of argument, for one skilled in the art would hit upon the idea of storing data on books, which are read by a user through terminal equipment, as logs.

However, neither Hay et al. nor Wiser et al. suggests

“terminal equipment further includes: log storing means for storing time of downloading digital audio data of digital books from said contents servers and the digital audio data downloaded as logs; and log transmission means for transmitting logs from said log storing means to said data base server on predetermined time intervals, and said data base server further including a log data base storing processed log data transmitted from said terminal equipment”, as set forth in independent claim 4.

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At least for the reasons described above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Hay et al. and Wiser at al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and §103(a) are respectfully requested.

Independent claim 4 is in condition for allowance.

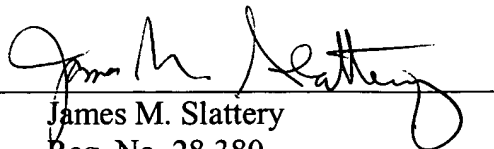
CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$1,020.00 is attached hereto.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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By 
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JMS:CTT:kr

Attachments: Substitute Specification (Clean Copy and Marked-Up Copy)
Revised Abstract
One Sheet of Revised Formal Drawings (FIG. 6)